

Justin Fok, Esq., CSB#242272
Law Offices of Jean D. Chen
2107 N. 1st Street, Suite 400
San Jose, CA 95131
Telephone: (408) 437-1788
Facsimile: (408) 437-9788
Email: jfok@jclawoffice.com

Attorney for Plaintiff
Hao Xu

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Hao Xu

) Case No. C 07-3383 PVT
)
)

Plaintiffs,

) **[PROPOSED] ORDER ON MOTION FOR**
) **SUMMARY JUDGMENT**
)

v.

Alberto Gonzales*, United States Attorney
General, U.S. Department of Justice;
Michael Chertoff, Secretary of the Department
of Homeland Security;
Emilio T. Gonzalez, Director of United States
Citizenship and Immigration Services;

Defendants.

The Court finds that the Defendants have a clear, non-discretionary duty to adjudicate Plaintiff's I-485 within a reasonable time under both the Mandamus and Administrative

* Alberto Gonzales resigned from his post as Attorney General on September 17, 2007. Peter D. Keisler is currently the Acting United States Attorney General.

1 Procedures Acts. This Court further finds that three years is an unreasonable length of time as a
2 matter of law for the adjudication of an I-485, *Application to Register Permanent Residence or*
3 *Adjust Status*.

4 Accordingly, it is hereby ORDERED that:

- 5 1. Plaintiff's Motion for Summary Judgment is GRANTED.
- 6 2. Defendants' Motion for Summary Judgment is DENIED.
- 7 3. Defendants shall complete adjudication of Plaintiff's I-485 Applications within 60
8 days of this order.
- 9 4. The Court shall retain jurisdiction over this matter for a period of 120 days to ensure
10 compliance with this order.

11 This case is CLOSED. IT IS SO ORDERED

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13 Dated:

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Patricia V. Trumbull
United States Magistrate Judge
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